



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, May 8, 2013

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris,
Rev. Anthony Coleman, Philip M. Goldstein and Jim King (attending by phone)

Also Present:

William F. Bruton, Jr. City Manager

Doug Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Andy Morris to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the pledge of allegiance.

PRESENTATIONS:

PRESENTATIONS:

PROCLAMATIONS:

20130513 National Public Works Week

Presentation of a Proclamation to Jim Wilgus, Public Works Engineer, proclaiming the week of May 19-25, 2013, as National Public Works Week and calling upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Read

20130474 Proclamation - Historic Preservation Month

Presentation of a Proclamation to David Freedman, recognizing May 2013 as Historic Preservation Month in the city of Marietta.

Read

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE
MAYOR, COUNCIL AND/OR CITY MANAGER:**

SCHEDULED APPEARANCES:

20130510 Scheduled Appearance - Ms. Grimes, NAACP

Speaking to council about the Lawrence Street Recreational Center.

Present

UNSCHEDULED APPEARANCES:

Two Brown's Park homeowners spoke in favor of the proposal to install sidewalks along Brown Avenue over to Polk Street. Gary Jenkins, who resides at 49 Morrison Court, and Austin Gillis, who resides at 81 Morrison Court, stated that sidewalks would allow for better access to West Side Elementary School.

Michael Penn, who resides at 1265 W Booth Road Ext, spoke regarding the lack of action regarding the Lawrence Street Recreation Center.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Pro tem Andy Morris called upon Council member Johnny Sinclair, to preside over this portion of the meeting. Council member Sinclair briefly explained the consent agenda process.

*-under Ordinances: Agenda item 2013065 was removed from the consent agenda.
-under Economic/Community Development: Agenda item 20130516 was removed from the consent agenda.*

-under Judicial/Legislative: Agenda item 20130503 was added to the consent agenda.

*-under Public Works: Agenda item 20130504 was added to the consent agenda. -
under Public Works: Agenda item 20130429 remains on the consent agenda and amended to read, "Motion to authorize staff to proceed with the Maple Avenue SPLOST drainage project, with the donation of a permanent easement from the property owner. Further, the project shall be completed in the current calendar year."*

-under Public Works: Agenda item 20130430 was removed from the consent agenda.

City Attorney Doug Haynie noted that there were not items on the consent agenda requiring a public hearing.

A motion was made by Council member Coleman, seconded by Council member Chalfant, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

Council member Goldstein abstaining on agenda item 20130424 and 20130519.

MINUTES:

* **20130462 Regular Minutes - April 17, 2013**

Review and approval of the April 17, 2013 regular meeting minutes as amended.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

20130365

Z2013-15 TowerCom V, LLC 2141 Kingston Court

Z2013-15 [SPECIAL LAND USE PERMIT - TELECOMMUNICATION TOWER] TOWERCOM V, LLC requests a Special Land Use Permit to construct a new telecommunication tower for property located in Land Lot 07260, District 17, Parcel 0140, 2nd Section, Marietta, Cobb County, Georgia and being known as 2141 Kingston Court, currently zoned LI (Light Industrial), with the Letter of Stipulations dated April 29, 2013, from David Kirk, Troutman Sanders, to Rusty Roth, Planning & Zoning Manager, as conditions of zoning. Ward 7.

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie swore in those wishing to speak.

Development Services Director Brian Binzer presented information regarding the Special Land Use Permit request to construct a new telecommunication tower for property located at 2141 Kingston Court. Mr. Binzer also summarized the criteria for which a Special Land Use Permit should be considered.

David Kirk, attorney for the applicant, requested approval of the Special Land Use Permit to construct a new telecommunication tower as outlined in the Letter of Stipulations dated April 29, 2013.

Mayor Tumlin closed the public hearing.

A motion was made by Council member Goldstein, seconded by Council member Sinclair, to approve the request for a Special Land Use Permit to construct a new telecommunication tower for property located at 2141 Kingston Court, currently zoned LI (Light Industrial), with the Letter of Stipulations dated April 29, 2013, from David Kirk, Troutman Sanders, to Rusty Roth, Planning & Zoning Manager, as conditions of zoning.

The motion carried by the following vote:

Vote: 7 - 0 - 0**Approved****RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

* **20130514 Denial of Claim**

Denial of the Claim of Eric Krohn.

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0**Approved to Deny Claim**

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****20130506 Public Hearing - Adoption of Modification of Urban Redevelopment Plan**

Public Hearing regarding the adoption of a modification to the Urban Redevelopment Plan by the City of Marietta.

PUBLIC HEARING

City Attorney Doug Haynie opened the public hearing.

Economic Development Manager Beth Sessoms presented information regarding the resolution to amend the Urban Redevelopment Plan to include parts of Whitlock Avenue and the Lemon Street School. The inclusion of these areas would allow Council to consider these projects for the Urban Redevelopment Bond.

Robbie Huck, who resides at 191 Summit Avenue, requested to receive a copy of the proposed map amending the Urban Redevelopment Plan.

Seeing no one else wishing to speak, the public hearing was closed.

Public Hearing Held**20130516 Resolution to Adopt a Modification to the Urban Redevelopment Plan**

Approval of a Resolution of the City of Marietta adopting a modification to the Urban Redevelopment Plan.

Motion to approve a Resolution of the City of Marietta adopting a modification to the Urban Redevelopment Plan.

Discussion was held and comments made by Council.

The motion was made by Council member Sinclair, seconded by Council member Coleman, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 1 - 0 Approved
Voting Against: Philip M. Goldstein

20130435

Consideration of Projects for the Urban Redevelopment Bond

Consideration by Mayor Tumlin and City Council of possible projects to implement using Urban Redevelopment Bond proceeds.

PUBLIC HEARING

City Attorney Doug Haynie opened the public hearing.

Economic Development Manager Beth Sessoms presented information regarding possible projects using Urban Redevelopment Bond Proceeds. Projects for consideration include areas of Franklin Road, Whitlock Avenue Improvements and the Lemon Street School.

Below are the names of those speaking regarding the proposed Bond.

Chuck Clay, representing Parkway Center off of Franklin Road.

Heath Garrett, who lives on Oakhearst Lane.

Bob Morgan, whose business Cerqueda Morgan & Collins LLP is located on Franklin Road.

Bert Reeves, a former Cobb County prosecutor who lives on Stewart Avenue.

Shelia McCutheon, who lives on Powers Ferry Trace.

Charles Levinson, who lives on Kiawa Drive and has expressed interest in running for mayor in the November 2013 election.

Lance Lamberton, Chairman of the Cobb Taxpayers Association.

Robbie Huck who lives on Summit Avenue.

Deanne Bonner, President of the Cobb County Chapter of the NAACP.

Robin Montgomery, who is a resident of Franklin Road.

Ken Sprague Sr, who lives on Woodcroft Chase.

Cheryl Stevenson, a resident of Marietta.

Larry Jackson, a football coach and youth leader.

Al Cerqueda, whose business Cerqueda Morgan & Collins LLP is located on Franklin Road.

Ed Bentley, who lives on Whitlock Drive and whose family owns on Franklin Road.

Marvin Heller, who lives on Church Street.

Seeing no one else wishing to speak, the public hearing was closed.

Public Hearing Held

2. Finance/Investment: Annette Lewis, Chairperson

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20130326** **CA2013-06 Amendment to the Comprehensive Development Code regarding Section 712.05 AICUZ (Air Installation Compatible Use Zone) Overlay District**
- CA2013-06 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.05 AICUZ (Air Installation Compatible Use Zone) Overlay District.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved for Advertisement**
- * **20130339** **Election Contract - Board of Education**
- Motion to approve the contract with the Marietta Board of Education relative to conducting the November 5, 2013 General Election and related expenses.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130340** **Call of the General Election for November 5, 2013**
- An Ordinance to provide for the call of the General Election for the City of Marietta, Georgia; and to provide for the date for any runoff required where no candidate receives a majority of the votes cast.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130431** **LCI Contract Extension**
- Motion to approve extension of the MU2LCI (Marietta University Enhancement District Livable Centers Initiative) contract from April 30, 2013 to June 30, 2013.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
- * **20130503** **Amendment to Code Section 10-4-070, Drinking Prohibited**
- Approval of an amendment to Code Section 10-4-070, Drinking Prohibited to allow the sale and consumption of beer and wine in Atherton Square.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20130438 Merritt Park Improvements**

Motion authorizing the additional appropriation of \$22,762.59 of 2009 Park Bond Funds from Merritt Park line in Category B, Improvements to Existing Parks and Facilities, to complete Merritt Park Improvements as previously approved.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130463 Lake Park Intergovernmental Agreement**

A motion approving the Intergovernmental Agreement with the Marietta Board of Education (BOE) for the use of Lake Park as to form and; authorizing the presentation of the agreement to the BOE for consideration and execution.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson

* **20130434 Marietta Redevelopment Corporation Board (MRC) Appointment**

Appointment of Hall Rigdon to the Marietta Redevelopment Corporation Board (MRC) Appointment for a two year term expiring on April 10, 2015.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130452 Marietta Development Authority Appointments**

Reappointment Steven F. McNeel Post 1, Ed Hammock Post 2 (2-year terms), John J. Elliott, Jr. Post 4 (4-year term), Judy E. Renfroe Post 6 and Mike Henderson Post 7 (6-year terms) to the Marietta Development Authority.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130467 WellStar Community Health Awareness Program**

Motion to approve a partnership with WellStar to create a wellness strategy for the Marietta community.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

6. Public Safety Committee: Anthony Coleman, Chairperson*** 20130445 Standard Operating Procedures for the Marietta Police Department**

Motion to approve the following Standard Operating Procedures for the Marietta Police Department -A041 Organizational Structure; A044 Uniforms; A047 Internal Affairs; A054 Assignments; A060 Evidence & Property Maintenance; A073 Building Security; A085 Promotions; A090 Court Procedures; C022 SRO Program; E015 Emergency Operations; P010 Patrol Operations; P042 Roadblocks.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

7. Public Works Committee: Jim King, Chairperson*** 20130424 Traffic Calming**

Motion to authorize staff to remove all temporary / test speed humps and replace them with permanent devices.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 1

Approved

Abstaining: Philip M. Goldstein

*** 20130504 Traffic Calming**

Motion to install four radar speed signs on Ector Chase. City of Marietta to fund \$1,000.00 per radar speed sign. Barrett Green Homeowner's Association to fund remainder. The project shall be completed in the current budget year.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20130086 Crosswalk on Whitcher Street**

Motion authorizing Public Works to install a mid-block pedestrian crossing over Whitcher Street between the Wellstar MOB Center and the main Wellstar Campus. The exact location and configuration of the mid-block pedestrian crossing is to be determined by Public Works. Further to accept the donation of funds to install flashing beacons or other devices.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20130425 GDOT Right of Way Contract**

Motion to approve a contract with the Georgia Department of Transportation (GDOT) for the Acquisition of Right of way for the Franklin Road LCI Project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130426 Cobb County Sub-grant Agreement**

Motion to approve Amendment 1 of the Cooperative Subgrant Agreement with Cobb County for the construction of sidewalks and pedestrian improvements along Powder Springs Street between Bellemeade Drive and County Services Parkway.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130505 Funding City-County Coop/SubGrant Agreement**

Motion to approve amending the FY2013 Budget in the amount of \$800,000 towards constructing sidewalks and pedestrian improvements in compliance with FTA grant funding.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130427 No Parking, Stopping or Standing Zone**

Motion to install “No Parking or Standing” signs along the frontage of 1355 and 1339 Canton Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130429 89 Maple Avenue**

Motion to authorize staff to proceed with the Maple Avenue SPLOST drainage project, with the donation of an easement from the property owner. Further, the project shall be completed in the current calendar year.

Motion to authorize staff to proceed with the Maple Avenue SPLOST drainage project, with the donation of a permanent easement from the property owner. Further, the project shall be completed in the current calendar year.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20130430

Kennestone Hospice Sign

Request by Kennestone Hospice to place a sign on City of Marietta right of way at the corner of Kennesaw Avenue and Dickson Avenue.

Discussion was held regarding the request from Kennestone Hospice to place a sign on City of Marietta right of way at the corner of Kennesaw Avenue and Dickson Avenue. Fire Chief Jackie Gibbs expressed concern regarding the proposed location of the sign, which could potentially block access to a fire hydrant.

There was general agreement to investigate this issue further and bring back more information to the Public Works Committee meeting.

The motion was made by Council member Morris, seconded by Council member King, that this matter be Referred to the Public Works Committee. The motion carried by the following vote:

Vote: 7 - 0 - 0

Referred to the PUBLIC WORKS COMMITTEE

APPEARANCES:

OTHER BUSINESS:

*** 20130517 City Council Committee Meetings**

Motion to change the date of the Thursday, June 27, 2013 City Council Committee Meetings to Wednesday, June 26, 2013 to be held at the regular time 5:15 p.m.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20130518 330 Roselane Street and 338 Roselane Street**

Motion authorizing acquisition of the property at 330 Roselane Street & 338 Roselane Street from BRB Holdings, LLLP for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$30,526.00 and is inclusive of fence, relocation of the dumpster and parking, and site improvements.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20130519 277 South Marietta Parkway**

Motion authorizing acquisition of the property at 277 South Marietta Parkway from Douce Lulu, LLC for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$52,425.00.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 1 Approved
Abstaining: Philip M. Goldstein

* **20130520 611 South Marietta Parkway**

Motion authorizing the acquisition of the necessary right-of-way and easements at 611 S. Marietta Parkway from Parkwon, Inc. for the purpose of constructing the South Marietta Pkwy Sidewalk Project in exchange for \$8,770.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130521 22 Polk Street**

Motion authorizing acquisition of the property at 22 Polk Street from Saint James Episcopal Church for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$7,500.00 with stipulations for the temporary construction easement and City construction of cost-to-cure items as part of the construction plans for the project.

1. In order to access the requested easement you must take down an existing fence which separates our property from the railroad right of way; the removal of this fence was not addressed in your original proposal and will be replaced as set forth in the next item;
2. As part of the project, you will replace the existing fence, and add to its length, to provide a fenced barrier between the proposed trail and our property, and between the proposed trail and the property of the First Presbyterian Church, a length from Polk Street to Kennesaw Avenue; the fence will be of the wrought iron design set forth in the plans you showed us and similar to the existing wrought iron fencing on the opposite side of the railroad tracks between Polk Street and Mill Street behind the shops and offices in downtown Marietta.
3. The length of time specified for the "TEMPORARY EASEMENT" set forth in your proposal is "limited to the period required for the construction of said project and upon completion and acceptance of same by the Department of Transportation from the contractor, said TEMPORARY EASEMENT will terminate;" we understand and confirm from our discussions with you that the expected duration of the work will be less than one year from beginning date; but if a longer

period of time proves necessary, a review and re-issuance of this agreement granting this temporary easement will be considered by the parties on or after one year from the date our property is first accessed under this temporary easement.

4. Our property and parking areas - outside the area described in this temporary easement may not be used for the purpose of parking vehicles, leaving or storing tools or materials, marshaling work or work activities, etc., without separate written permission; that consent is not specified or implied in this agreement.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* 20130464

BLW Actions of the May 6, 2013, meeting.

Review and approval of the May 6, 2013 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 8:47 p.m.

Date Approved: June 12, 2013

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk